IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 312 OF 2006

Vivekanand Krishna Mariye ...Petitioner

V/s.

The Union of India & Ors. ...Respondents.

Mr. M.J. Jamdar for the Petitioner

Mr. Rajiv Chavan with Ms. Rutuja Ambekar for the Respondents.

CORAM: KSHITIJ R. VYAS, C.J., &
S.C. DHARMADHIKARI, J.
DATE: FEBRUARY 27, 2006.

P.C.:-

1. The petitioner, in this petition under Article 226 of the Constitution of India, challenges the order dated 11th August, 2005 passed by the Central Administrative Tribunal, Mumbai Bench, Mumbai, in O.A. No. 101 of 2005 as far as maintaining order dated 5th October, 2004 passed by respondent No.4 is concerned. The Tribunal, however, granted relief in favour of the petitioner, inasmuch as it waived the recovery of the arrears to the extent of Rs.46,905/-.

2. We have heard the learned counsel for the parties at length, and we have also gone through the reasoning by the Tribunal. Having minutely examined the matter, we are of the opinion that no interference with the impugned order is called for. The Tribunal, after considering the matter from all angles, has rightly passed the order, which is under challenge.

3. We are in agreement with the reasoning of the Tribunal. It is not necessary for us to repeat the reasoning. Needless to say that the learned counsel for the petitioner has raised before us the very contentions raised before the Tribunal which have been properly dealt with by it.

4. The learned counsel has submitted that the Tribunal waived the recovery of the arrears. The respondents have, in fact, recovered the amount with effect from September, 2005 at Rs.1,429/- per month. In other words, the respondents have recovered Rs. 46,905/- from the petitioner. Once the Tribunal has passed the order waiving the recovery of the amount, it is expected that the respondents should abide by that. We are sure that under the circumstances, the

respondents will refund to the petitioner the aforesaid amount by complying with the order of the Tribunal.

5. Subject to the above direction and observations, the petition is rejected.

CHIEF JUSTICE

S.C.DHARMADHIKARI,J.